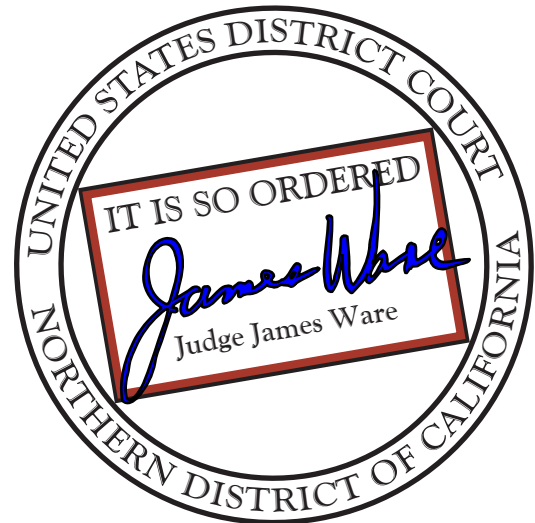


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9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 In re UTSTARCOM, INC. SECURITIES
LITIGATION

) Master File No. C-04-4908-JW(PVT)

) CLASS ACTION

14 This Document Relates To:

) NOTICE OF WITHDRAWAL OF
15) GENNADIY SHERMAN AS A NAMED
16) PLAINTIFF

ALL ACTIONS.

1 PLEASE TAKE NOTICE that Gennadiy Sherman ("Sherman") hereby withdraws as a
2 named plaintiff in this action.

3 Pursuant to the Court's March 1, 2006 Order Granting Plaintiffs' Motion for Leave to File
4 Second Amended Complaint (Docket No. 118), Sherman was added as one of the two named
5 plaintiffs in the Second Amended Complaint. Sherman, however, has not provided his counsel with
6 the information requested in defendants' discovery requests. Sherman's withdrawal does not affect
7 the outcome of plaintiffs' motion for class certification, filed concurrently herewith, as the proposed
8 class representatives, Locals 302 and 612 of the International Union of Operating Engineers-
9 Employers Construction Industry Retirement Trust, Erwin DeBruycker and Robert Lee Weese can
10 fully and adequately represent the class. Defendants also do not object to the withdrawal of Sherman
11 from this litigation. Accordingly, plaintiffs hereby withdraw Sherman as a named plaintiff, without
12 prejudice to his rights as a member of any class that may be certified in this action.

13 DATED: October 23, 2009

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